

Notice of Allowability

Application No.

10/084,095

Applicant(s)

SUMEGI, BALAZS

Examiner

Phyllis G. Spivack

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed June 25, 2004.
2. ☒ The allowed claim(s) is/are 1, 3, 6, 7, 11-18, now renumbered 1-12.
3. ☒ The drawings filed on 28 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Kristi Rupert, Ph.D. on September 18, 2004.

Claim 19 is canceled.

In claim 6, line 1, "the" is deleted and -- gastrointestinal -- is inserted therefor. At the end of line 6, --in need thereof -- is inserted. On the second line **from the end** of the claim -- gastrointestinal -- is inserted before "drug-induced".

The present title is deleted and -- PHARMACEUTICAL COMPOSITION THAT EXHIBITS REDUCED SIDE-EFFECTS COMPRISING O-(3-PIPERIDINO-2-HYDROXY-1-PROPYL)NICOTINIC ACID AMIDOXIME AND A PYRIMIDINE DERIVATIVE WITH KNOWN ANTITUMOR ACTIVITY -- is inserted therefor.

The present Abstract is deleted and -- Pharmaceutical compositions that exhibit reduced gastrointestinal side-effects comprising a known active substance having antitumor effects selected from the group consisting of pyrimidine derivatives, or a pharmaceutically acceptable acid addition salt thereof, and O-(3-piperidino-2-hydroxy-1-propyl)nicotinic acid amidoxime, or a pharmaceutically acceptable acid addition salt thereof, are disclosed. -- is inserted therefor.

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On page 1 of the specification under the title -- This application is a division of S.N. 09/446,064, filed February 17, 2000, now U.S. Patent 6,440,998, which is a 371 of PCT/IB98/00961 filed June 22, 1998. -- is inserted.

Any inquiry concerning this communication should be directed to Phyllis G. Spivack at telephone number 571-272-0585.

Phyllis G. Spivack
Primary Examiner
Art Unit 1614



PHYLLIS SPIVACK
PRIMARY EXAMINER

August 18, 2004

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Any inquiry concerning this communication should be directed to Phyllis G.

Spivack at telephone number 571-272-0585.

Phyllis Spivack

Phyllis G. Spivack
Primary Examiner
Art Unit 1614

August 18, 2004

**PHYLLIS SPIVACK
PRIMARY EXAMINER**